

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

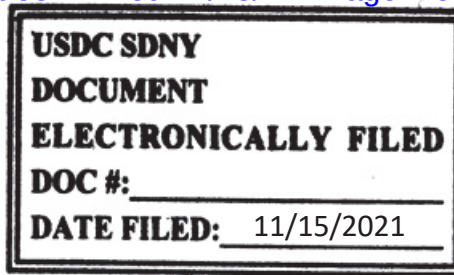
D George Sweigert,

Plaintiff,

-against-

Jason Goodman,

Defendant.



1:18-cv-08653 (VEC) (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

The Court construes Plaintiff's November 9, 2021 Letter as (1) a request for additional discovery; and (2) raising a dispute regarding Defendant's production of relevant video evidence.¹ (See ECF No. 323.) Both issues were addressed in the Court's October 29, 2021 Order.² (See ECF No. 322.) As set forth therein, the Court found that additional discovery was warranted regardless of District Judge Caproni's ultimate decision on Defendant's partial motion for summary judgment (for which I have issued a Report and Recommendation), given that Defendant's motion is limited to a subset of Plaintiff's claims. To the extent that Plaintiff also seeks the same discovery regarding the defamatory statements that are subject to Defendant's motion, the Court finds, in the interest of judicial economy, that any remaining discovery with respect to those statements also should proceed while the motion remains pending.

¹ Plaintiff addresses the letter to Judge Caproni. However, he raises discovery issues which properly are before this Court. I do not address Plaintiff's request for deferral of a decision on Defendant's partial motion for summary judgment. Judge Caproni will decide the timing of her decision on such motion.

² Although Plaintiff has objected to that Order (see ECF No. 328), he also has complied with it (see ECF No. 331), as he was required to do. See *Michelo v. Nat'l Collegiate Student Loan Tr.* 2007-2, No. 18-CV-01781 (PGG) (BCM), 2021 WL 1080673, at *2 (S.D.N.Y. Mar. 5, 2021) (filing of Rule 72(a) objections to magistrate judge's discovery order does not excuse party from complying with order).

The parties are directed to appear for a telephone conference on Wednesday, December 15, 2021 at 2:00 p.m. to discuss all remaining discovery issues. At the scheduled time, the parties shall each separately call (888) 278-0296 (or (214) 765-0479) and enter access code 6489745.

The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Defendant.

SO ORDERED.

DATED: New York, New York
November 15, 2021

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line.

STEWART D. AARON
United States Magistrate Judge